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Official Records

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New York

President: Mr. Gurirab ..... (Namibia)

In the absence of the President, Crown Prince Albert (Monaco), Vice-President, took the Chair.

The meeting was called to order at 10.15 a.m.

Tribute to the memory of Mr. Amintore Fanfani, President of the General Assembly at its twentieth session

The Acting President (*spoke in French*): Before we take up the items on our agenda this morning, it is my sad duty to inform members of the Assembly of the death of His Excellency Mr. Amintore Fanfani on Saturday, 20 November 1999.

Mr. Fanfani was President of the General Assembly in 1965, at its twentieth session. He was a noted statesman of Italy. He played a prominent role in our Organization and made a major contribution towards the achievement of the objectives set out in the Charter.

On behalf of the General Assembly, I should like to convey to the members of Mr. Amintore Fanfani's family and to the Government and the people of Italy our deepest and most heartfelt condolences.

I invite representatives to stand and observe a minute of silence in tribute to the memory of Mr. Amintore Fanfani.

The members of the General Assembly observed a minute of silence.

The Acting President (*spoke in French*): I now call on the representative of Italy.

Mr. Francese (Italy): Your Highness, allow me first of all to state how pleased the Italian delegation is to work under your guidance in today's meeting of the General Assembly.

I would also like to express my delegation's deepest feelings of appreciation for the opportunity to commemorate the figure of Amintore Fanfani today in the General Assembly Hall. The world will always remember him, especially those who participated in the twentieth session of the United Nations General Assembly, in 1965.

As a lifelong believer in peace and reconciliation, one of the goals that Mr. Fanfani pursued most vigorously during his term as President of the General Assembly was to improve relations between East and West, North and South. During the cold war years, he was a strong proponent of admitting the People's Republic of China to United Nations membership. He also lent his unrelenting efforts to the search for a peaceful solution to the Viet Nam war.

In Italy, Mr. Fanfani earned the respect of friends and adversaries alike. It could perhaps be said of him what I once heard a prominent British politician say of himself — another historic figure, Harold Macmillan, on the occasion of the presentation of his memoirs: that in his long political life he never made any enemies, except, of course, in his own party.

99-86539 (E)

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His more than 50 years of public service are inseparable from the history of the Italian Republic, which rose out of the ashes of the Second World War and became a vigorous modern nation thanks to the strength, the talent and the vision of men and women like Amintore Fanfani. After the war, he was a member of the constituent assembly that helped draft the Italian Constitution.

He was Prime Minister of Italy six times, in four different decades. Among his accomplishments as head of Government, Fanfani promoted a number of very important historical bills, including those to improve the distribution of electrical energy in the 1950s and to strengthen compulsory education. He also launched a series of all-important social reforms. Furthermore, his attention to the importance of communications was yet another sign of his foresight. Indeed, from the start, he was a strong supporter of the development of Italy's television industry.

In 1968 and 1969, he served as Minister for Foreign Affairs. Among other offices in which he acquitted himself so honourably were those of Minister of Labour, of Agriculture, of the Interior and of the Budget. In 1972 he was made a Senator for life.

As I contemplate the long and distinguished career of Senator Fanfani, I can only say in closing that the best way to mourn his loss is to recall his many accomplishments. He gave much to his country and to the world, and I am deeply moved and honoured to hear his name read out again and again within this Hall.

Agenda item 40 *(continued)*

Oceans and the law of the sea

(a) Law of the sea

Report of the Secretary-General (A/54/429 and Corr.1)

Draft resolution (A/54/L.31)

(b) Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982, relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

Report of the Secretary-General (A/54/461)

Draft resolution (A/54/L.28)

(c) Results of the review by the Commission on Sustainable Development of the sectoral theme of "oceans and seas"

Report of the Secretary-General (A/54/429 and Corr.1)

Draft resolution (A/54/L.32)

Mr. Holmes (Canada): May I begin by joining other members of the Assembly in expressing our condolences to the family of Mr. Amintore and to the people and the Government of Italy.

I will be reading a shorter version of the text that has been distributed.

Today's debate on the oceans and the law of the sea affords us an opportunity to review recent developments and to renew our commitment to conservation and cooperation in protecting this important resource. The 1995 United Nations Agreement relating to Straddling and Highly Migratory Fish Stocks is one of the most important recent developments aimed at conservation and cooperation. Canada ratified the Agreement earlier this year, and although 24 States have now done so, we urge others to ratify in order to bring the Agreement into force as soon as possible. It is an important treaty and a major contribution by the United Nations to sustainable development.

During the 1992 United Nations Conference on Environment and Development, the Earth Summit at Rio, the international community supported the convening of a conference for the negotiation of new arrangements to establish comprehensive rules for the conservation and management of straddling and highly migratory fish stocks on the high seas. The outcome of that process was the United Nations fisheries Agreement, which was concluded in August 1995.

During that period, the international community developed other instruments to deal with similar problems in fisheries. For example, the Food and Agriculture Organization of the United Nations (FAO) developed the Code of Conduct for Responsible Fisheries and the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, which is known as the Compliance Agreement. Canada has signed on to both of

these instruments and has developed its own Canadian Code of Conduct on the basis of the FAO Code.

Conservation of straddling and highly migratory fish stocks will probably be one of the most important international issues facing the world in the twenty-first century. Within 20 or 30 years — indeed, within our children's lifetime and perhaps our own — we will see more than half the world's surface cease to be a source of protein in food for humankind. Half the world's surface will become a desert from the point of view of feeding humankind. That is the issue. That is why it is so important to work in this area.

The 1995 Agreement provides guiding principles for the conservation and management of straddling and highly migratory fish stocks, including the obligation to apply the precautionary approach. The Agreement's annexed guidelines call on States to be more cautious in their conservation and management decisions when information about the fishery in question is uncertain, unreliable or inadequate. States must ensure compatibility between measures applied inside and outside their waters to ensure that measures adopted by a coastal State in its waters for straddling and highly migratory fish stocks are not undermined by measures applicable to the high seas. The guidelines also provide for the minimization of pollution, waste, discards and by-catch.

The 1995 Agreement reiterates the law of the sea obligations for parties to cooperate in the conservation and management of straddling and highly migratory fish stocks either directly or through regional fisheries organizations and arrangements. The Agreement sets out general principles and obligations regarding the setting up, functioning and strengthening of regional fisheries organizations and provides rules concerning the participation of States in such organizations. In particular, the 1995 Agreement specifies rules with respect to non-members of regional fisheries organizations, which in effect bind the parties to cooperate in the management and conservation of straddling or highly migratory fish stocks, whether or not they belong to a given regional fisheries organization.

The 1995 Agreement has provisions to oblige regional fisheries organizations to be transparent in their decision-making and other activities. Intergovernmental and non-governmental organizations that are concerned with straddling and highly migratory fish stocks will now have an opportunity for observer participation in meetings of these organizations.

In our view, the Agreement will make an important contribution to conservation, sustainable fisheries and constructive relations between States. The confrontations of the past will happily be relegated to the pages of history.

(spoke in French)

Canada has brought its domestic and foreign fishing policies into line with the principles and rules of the Agreement. Internationally, we are working to implement the principles and rules of the Agreement within regional fisheries organizations to which we belong, such as the Northwest Atlantic Fisheries Organization, as well as through our participation in the negotiations to create new regional fisheries organizations, particularly in the western and central Pacific.

We are convinced that the adoption and implementation of these guiding principles and rules by which regional fisheries organizations operate will improve the way in which the world's fisheries are managed.

We cannot solve the problems of the world's fisheries alone. However, with the 1995 Agreement and the other tools at our disposal, and with the cooperation of all the States concerned, we will be able to put an end to the destructive and wasteful fishing practices of the past, which we must do.

(spoke in English)

I have stressed the importance of coordination and cooperation on fisheries questions, but they are equally important for all oceans issues. This year, we have taken an important step to enhance international cooperation and coordination on oceans and the law of the sea. Building on an initiative launched at the Commission on Sustainable Development, the General Assembly will shortly approve the establishment of a consultative process to facilitate the annual review of oceans issues. The intent of the sponsors, of which my delegation is one, is not to create a new, cumbersome mechanism but rather to develop a process which would promote greater dialogue nationally and internationally among oceans and law of the sea experts and thereby give greater focus to the consideration of this issue in the General Assembly. My delegation intends to play an active role in the preparations for the informal process, seeking to ensure broad input from all relevant actors, including regional organizations, various parts of the United Nations and the

major groups identified in Agenda 21, including civil society.

In closing, I wish to express my delegations's appreciation for the efforts of other sponsors, in particular the delegations of New Zealand, Mexico and of the South Pacific and Rio Groups for their leadership role.

Mr. Ayewoh (Nigeria): My delegation would like to associate itself with the expressions of condolences to the family of Ambassador Fanfani, as well as to the Government and the people of Italy.

The preamble to the United Nations Convention on the Law of the Sea rightly recognizes the desirabili of establishing through the Convention a legal order for the seas and oceans for the facilitation of international communication, the promotion of the peaceful uses of the seas and oceans, the equitable and efficient utilization of their resources and the conservation of their living resources, as well as the protection and preservation of the marine environment. Consequently, it is the considered view of the delegation of Nigeria that we all have a responsibility — and indeed a duty — to agree and respect a legal order for the management of this important common heritage.

Under article 137 of the Convention, all rights to the resources of the Area are vested in mankind as a whole, as represented by the International Seabed Authority. The Nigerian delegation therefore believes that the greatest task facing the Authority is the adoption of the mining code, which will regulate the exploration and exploitation of seabed minerals.

Developing countries, including Nigeria, are disadvantaged in terms of the advanced technology and expertise essential for the exploitation and management of activities on the seabed. We lack that capacity and consequently cannot compete with the developed countries in the areas of exploration and exploitation of minerals, conservation and protection of living resources and coastal management. Neither are we in a position to monitor or manage the problems of pollution and toxic and chemical waste dumping. Moreover, many developing countries are equally handicapped in developing appropriate and comprehensive legal regimes for the effective management of the ecosystem. Therefore, in order for developing countries to be equal partners in this endeavour, they will have to be enabled. And they can be enabled only through cooperation, partnership and assistance.

Article 202 of the Convention further obliges States to give technical assistance to developing countries, either directly or indirectly, in order to enable them to protect their marine environment. The time has therefore come for the international community, through the United Nations, to articulate a comprehensive package of assistance in the area of oceans and seas for the benefit of developing countries. This is the only way for all States — and particularly developing countries, which have been largely marginalized — to be able to participate effectively and have an equitable share of the resources of the oceans and seas.

As a coastal State, Nigeria attaches great importance to the management and conservation of fish stocks. Fishing plays an increasingly important role in ensuring food security in Nigeria and it has become an important avenue for the generation of income for our people, particularly those living in coastal areas. The Fishery and Livestock Department of the Federal Ministry of Agriculture in Nigeria has been playing an active role in expanding commercial activities in this area by judiciously implementing forward-looking and far-reaching measures put in place by the Government — guided, of course, by the principles of the conservation and rational use of the living resources of the sea, as well as the sustainable development of fishery resources.

Nigeria therefore welcomes the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, otherwise known as the Fish Stocks Agreement. The Agreement represents a bold attempt by the international community to protect commercially important species that have been victims of heavy but weakly regulated fishing efforts. In this regard, we share the view that the Agreement can be of benefit in unifying standards relating to fishery activities on the high seas and, indeed, can strengthen international fishery cooperation.

Nigeria is currently reviewing its domestic laws and regulations to determine their consistency with the obligations set out in various international conventions and agreements with a view, of course, to ratifying them.

Nigeria cherishes the inextricable link between environmental protection and the sustainability of marine resources. Our Ministry of Environment seeks to preserve the marine environment by monitoring pollution, the dumping of toxic and chemical substances and oil

spills. It prescribes and monitors safety standards for oil companies operating in the Niger Delta, the major oil-producing region of the country. Nigeria therefore wishes to assure the international community that it is deploying its best efforts to protect its coastal environment from degradation caused by oil spillage and gas operations. This is a task that we take very seriously and in which we strive continuously to improve.

The importance that Nigeria attaches to these issues is further demonstrated by the activities of the Niger Delta Development Commission. The Commission employs an integrated approach to development in the Niger Delta region. The principal thrust of the Commission is to develop adequate infrastructural facilities, such as good roads and an efficient drainage system, reliable water supplies and telecommunications. It is also charged with ensuring that the environment of the region does not suffer further degradation. The Commission is therefore seized of the task of achieving the delicate balance between development and the environmental protection of the area.

In conclusion, the world must now come to terms with the reality of environmental degradation and the danger it poses to both human and marine life. To confront this danger, nations will have to re-examine their approach and strategies to development to ensure that the environmental impact of activities on oceans and seas is given adequate consideration. It is in this endeavour that we, the peoples of the world, have a unique responsibility to take adequate and necessary measures to protect and preserve the resources of the ocean bed for the benefit of future generations. Nigeria pledges its full cooperation in this matter.

Our co-sponsorship of the two draft resolutions on oceans and the law of the sea is informed by the foregoing considerations.

Mr. Cherginats (Belarus) (*spoke in Russian*): Allow me to associate myself with the condolences expressed to the Government and the people of Italy on the death of Mr. Fanfani.

It gives me particular satisfaction to welcome you, Mr. Vice-President — a representative of the Principality of Monaco, a country friendly to Belarus — as you preside over this meeting of the General Assembly. Allow me to assure you that the delegation of the Republic of Belarus intends to take a constructive approach to the consideration of this agenda item. Allow me also to take note of the detailed report of the Secretary-General, which considers all aspects of ocean issues and deals in a comprehensive and integrated manner with legal, economic, social and ecological questions.

This debate on the report on the status of the United Nations Convention on the Law of the Sea is taking place in the context of a growing worldwide understanding of interdependence and of the importance of strengthening international law. My delegation believes that this is evident from the overall support for the resolution adopted at this session of the General Assembly entitled "United Nations Decade of International Law". That document stresses the need to strengthen the primacy of law in international relations and urges all States to endeavour to work towards a balance of interests and to find political means for resolving disputes between States on the basis of international legal principles and norms, and also notes the importance of the progressive development of international law and its codification. It is for these reasons that the role of the United Nations Convention on the Law of the Sea has become increasingly significant, as it codifies and progressively develops norms of current maritime law and regulates the use of all maritime areas and resources.

The implementation of the Convention corresponds to the vital interests of the international community as a whole. In my delegation's view, the United Nations Convention on the Law of the Sea is a fundamental means of ensuring the peaceful and sustainable use and development of the oceans and their resources, through, in particular, the promotion of international cooperation, the equitable and efficient utilization and preservation of living marine resources, and the protection and preservation of the marine environment. It is based on the principle of rational use and fully accords with the concept of environmentally sound development. In this context, and in accordance with part X of the Convention, we believe that land-locked States, like littoral States, should have the right of access to the high seas and thus to the common marine heritage of humankind.

My delegation attaches great importance to part XII of the Convention and to its other articles relating to the protection and preservation of the marine environment. We feel that the provisions of the Convention on this question have great potential as the basis for a comprehensive regulation of the use of the world's oceans.

The deterioration of the global environmental situation cannot but be a cause of concern to all States, including land-locked ones such as Belarus. And since environmental safety encompasses both land and sea, the question of measures to protect the marine environment, which drives the climate cycle, is relevant to the vital interests of both coastal and land-locked States. The Republic of Belarus, which is suffering from the consequences of the Chernobyl nuclear-plant disaster, would like to draw the attention of the General Assembly to the considerable global threat, which could become reality at any time, posed by the disposal of shells containing toxic substances on the bottom of the Baltic and North Seas after the end of the Second World War. There are more than 60 disposal areas in the region, half of whose locations are unknown.

A serious threat is also posed by ammunition lying in the holds of sunken ships. When bombs and shells reach a certain degree of corrosion — which, according to specialists, could happen in five or six years' time — there will be a real threat of a sudden explosive release of toxic substances. The first effects of such an environmental disaster would be felt in the Baltic and North Seas, and the population of this region would be forced to impose an indefinite quarantine on the fishing industry. Even a small explosive release of toxic chemicals would affect vast tracts of the world's oceans. Since the waters of the Baltic Sea undergo a full exchange every 46 years, and 715 cubic metres of water a year evaporate from it and then cover the entire planet in the form of clouds, this would lead inevitably to the pollution of the entire biosphere. And how many more disposal sites are there in the oceans and seas?

We would like to draw the attention of the world community to this problem so that joint efforts can be made to take the necessary measures for its resolution. Given the extremely complex situation relating to the disposal of various types of chemical wastes on the seabeds of the seas and oceans, our delegation calls on the States Members of the United Nations to observe existing international agreements on the disposal at sea of toxic substances. States that have carried out such actions must declare the location of the disposal sites and their nature and number, so that in the new millennium the necessary measures can be taken to locate and clear them. We agree with the view that in the third millennium a fresh approach is needed to resolve these problems. If the international community decides to hold endless discussions on this question, and States engage in mutual recriminations, time will be lost that is needed to avert a global catastrophe. And averting a catastrophe is easier than eliminating its effects, as we learned from the Chernobyl disaster.

Of particular concern to our country and to transit States is the increase in recent years in the smuggling of migrants, including by sea. Certain criminal groups are using the territory of neighbouring States with access to the sea to smuggle migrants through our country to Western Europe. This trend is likely to continue into the next decade, since the economic disparity between the less developed States and the industrialized States will continue to provide an incentive to migrate. In this context, we support the proposal of the International Maritime Organization and the United Nations Commission on Crime Prevention and Criminal Justice to supplement the draft convention against transnational organized crime with a protocol against the smuggling of migrants.

In today's world, with its ever-shrinking borders, the smuggling of drugs by sea poses a serious international threat. Drug traffickers increasingly turn to sea transportation as a method of drug smuggling. In this connection, our delegation deems it essential to ensure a greater harmonization of international efforts aimed at ensuring the observance of drug laws, including surveillance of suspicious vessels, searching techniques and drug identification.

In conclusion, allow me reiterate my country's readiness to cooperate actively with other interested States in resolving global problems that pose a threat to the security of the international community.

Mr. Stuart (Australia): Australia looks back with satisfaction on another year of solid incremental progress in the life of the institutions established by the United Nations Convention on the Law of the Sea. The health and vigour of these young institutions is an essential underpinning of an effective international law of the sea system. We are pleased to see that the International Seabed Authority is within sight of adopting a balanced mining code and has settled with Jamaica the main outstanding questions concerning its headquarters.

For original parties to the Convention with extended continental shelves, such as Australia, the 10-year period for preparation of submissions on outer limits to the Commission on the Limits of the Continental Shelf is now a little more than half over. While article 76 of the Convention remains the paramount source of law governing the fixing of those limits, the Scientific and Technical Guidelines adopted by the Commission earlier this year are also important. Even though the Guidelines leave some questions unanswered, Australia was pleased

to be able to contribute its views at the draft stage. For some time now, the Australian authorities have held the view that the operations of the Commission would be enhanced by increased transparency. Australia therefore welcomes the holding of an open session of the Commission on the Limits of the Continental Shelf at its seventh meeting next year, and we will participate constructively in that session.

In recent months, Australia has nominated three arbitrators to the list maintained by the Secretary-General under annex VII to the Convention on the Law of the Sea, and we are part-way through the process of nominating special arbitrators under annex VIII. It has happened that Australia has, in the past year, found itself compelled to resort to the compulsory procedures under Part XV for the settlement of disputes, and in particular to the provisional measures jurisdiction of the International Tribunal for the Law of the Sea. My delegation wishes to place on record how impressed Australia was with the expeditious and smooth manner in which the Tribunal was able to deal with and grant our application for provisional measures. Australia, together with New Zealand, sought binding provisional measures from the Tribunal at the end of July 1999, and the Tribunal gave its decision on that application on 27 August 1999. This case demonstrated the Tribunal's important role and authority in the interpretation and application of the Convention. Earlier this year, Australia also signed the Agreement on the Privileges and Immunities of the Tribunal, and we hope to ratify this instrument within the next 12 to 18 months.

I am pleased to be able to report that the Australian Parliament has passed the detailed legislation necessary for Australian authorities to implement the United Nations Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks. Accordingly, Australia expects to be in a position to deposit its instrument of ratification possibly within this calendar year or otherwise, shortly thereafter. The entry into force of this vital treaty cannot now be far off. Australia looks forward to that day. The treaty's operation will be fundamental to the cause of sustainable and responsible management of international fisheries. Australia will next turn its attention to becoming a party to the Food and Agriculture Organization of the United Nations (FAO) Compliance Agreement.

With wide adherence to these instruments, the only gap remaining for international fisheries regulations will be the absence of any multilateral agreement on implementation of articles 116 to 119 of the Convention on the Law of the Sea — those concerning stocks found only on the high seas. Perhaps it is time that this gap were filled so as to provide guidelines for the management of these very vulnerable stocks. In many ways, the hard work has already been done. The 1995 Agreement is a good basis on which to build, and many of its provisions could simply be extended to the high-seas-only fish stocks.

Perhaps the newest expression in the fisheries lexicon is illegal, unregulated and unreported fishing. In cooperation with others, Australia has been pushing for the international community to take a more structured approach to this problem, which is linked to the overcapacity of the world's fishing fleets and is increasingly undermining fisheries management everywhere. Australia has been asked by the FAO to provide the services of an expert to assist in producing a draft international plan of action on this suite of issues for endorsement at the Committee on Fisheries meeting in 2001. We are pleased to have been able to provide a suitable expert. We will also jointly host a workshop of experts on illegal, unregulated and unreported fishing in May next year in Sydney.

We encourage all countries to cooperate in the development of the international plan of action, including through responses to requests for information from the FAO and participation in next year's workshop and follow-up deliberations. The action plan could include management initiatives for regional fisheries bodies, monitoring and surveillance, penalties, port access arrangements, boat and gear identification, vessel registers, independent observers, product certification, trade and marketing documentation and memorandums of understanding between producing and consuming countries.

Illegal, unregulated and unreported fishing is a difficult issue for Governments to deal with. It is nevertheless an issue whose time has come. This is an endeavour in which flag States, port States and market States — that is, States in which fish are ultimately sold or consumed — must cooperate. These groups of States at different parts of the production and distribution chain can exert different but complementary kinds of leverage, aimed at bringing about the sustainable management of international fisheries. This requires, among other things, a greater need for transparency of ownership and control of vessels, so as to enable the nationality of the companies and individuals directing their activities to be traced and those responsible for illegal, unregulated and unreported fishing to be identified. This is particularly

important in cases when such people, groups or companies originate from States that are parties to relevant international agreements but have registered their vessels elsewhere to avoid national policies and legislation.

It is a matter of disappointment to Australia that this year's draft resolution on fisheries was not more ambitious in this direction, and for this reason we are not in a position to co-sponsor the draft resolution this year. These problems will only become more pressing over the next 12 months, so as recognition of them grows, Australia hopes it will be possible for next year's General Assembly draft resolution to tackle them adequately.

As an indication of what can be achieved when countries are committed to moving forward, Australia welcomes the adoption of the catch documentation scheme for toothfish species by the Commission for the Conservation of Antarctic Marine Living Resources. We call on all non-contracting parties involved in the toothfish trade, whether port States allowing toothfish landings or States whose flag vessels catch toothfish, to cooperate with the implementation of the scheme. Australia believes that with non-party cooperation, as required under articles 117 and 118 and, where appropriate, article 63, of the Convention, the scheme will significantly improve the management and protection of toothfish stocks.

At the same time, we recognize that older issues are still with us and continue to demand positive action. We are pleased to announce that an Australian national policy on fisheries by-catch was released in October 1999. The policy provides a framework for coordinating the action of industry, scientists and all levels of Government in Australia to deal with by-catch.

Australia continues to take a lively interest in the United Nations Educational, Scientific and Cultural Organization draft Convention on the Protection of Underwater Cultural Heritage, which we hope will ultimately provide adequate protection for underwater cultural property in areas both within and beyond national jurisdiction. While some provisions of the draft are still a matter of controversy, it is Australia's hope that these difficult questions can be settled on their merits.

When we discussed this item last year in the General Assembly, during the International Year of the Ocean, Australia stated that it was on the verge of launching its oceans policy. This was in fact released in December last year. Key aspects of the policy include the implementation of ecosystem-based planning for oceans on a regional basis, the conduct of a national marine resources survey, the use of sustainability indicators and monitoring and the creation of a national representative system of marine protected parks, two of which have already been declared.

We have established a National Oceans Ministerial Board to improve coordination between Government departments on oceans issues and to oversee the regional marine planning process. We have created a National Oceans Advisory Group, which will enable non-governmental interests to contribute to marine planning processes. The Australian Government is currently in the process of establishing a National Oceans Office, which will assist the other institutions in implementing the oceans policy. This is a major step forward in improving the conservation and management of Australia's ocean areas.

Australia fully associates itself with the statement delivered the day before yesterday by Ambassador Naidu of Fiji on behalf of South Pacific countries. Like other South Pacific Forum countries, Australia is pleased to have been actively involved in efforts that have taken place over the past year to improve the ability of the General Assembly to conduct its annual review of developments in the area of oceans and the law of the sea in an integrated and holistic manner. Australia attaches considerable importance to the oceans consultative process and looks forward to participating actively in the future meetings. As Ambassador Naidu stated, the ocean is of immense importance to the Pacific Island Forum countries, all of which share a common bond: the Pacific Ocean. Australia will continue to play an active role on these vital issues in the future.

Mr. Leslie (Belize): Our delegation joins others in expressing our condolences to the family of President Fanfani and to the Government and the people of Italy.

The Belize delegation would like to align itself with the statement delivered by the Permanent Representative of Jamaica on behalf of the Caribbean Community (CARICOM). Given the importance of this agenda item, it gives my delegation much satisfaction to participate in this crucial annual debate on the law of the sea. For us, this year's debate has added significance, since during the current year the Commission on Sustainable Development has reviewed many relevant matters of importance, and the Assembly has reviewed progress under the Barbados Programme of Action for Small Island Developing States,

a subject of vital importance to the Caribbean Community.

As has become a tradition, the Secretary-General's annual report (A/54/429) provides an excellent backdrop for this year's debate, and we sincerely thank him for the document and for the sterling task of coordinating study and information provided by several components of the United Nations system, particularly the Division for Ocean Affairs and the Law of the Sea.

The Secretary-General's report discusses the 1982 Convention on the Law of the Sea, sponsored by this Organization, and related mechanisms on the law of the sea. In that connection, my Government places great emphasis on working to achieve universal participation in the Convention and on calling on all States not yet parties to become parties. Belize also urges subscription by all States to such related instruments as the Agreement of 28 July 1994 relating to the implementation of Part XI of the Convention.

I must also emphasize the importance of the function of overall policy guidance and coordination on matters relating to the law of the sea and maritime and marine matters that this Assembly provides in this annual debate. It is now time for us to delineate with clarity the body which will carry forward the orchestration of technical, financial and operational oversight in matters relating to the law of the sea. In this connection, the role of the Meeting of States Parties to the 1982 Convention is vital.

In advocating a better rationalization of the supervisory mechanisms in this area, my delegation encourages full support of the functions of the various operational agencies, especially those envisaged by the 1982 Convention. Thus, in relation to the International Tribunal for the Law of the Sea, the importance of a coherent system for the adjudication of disputes must be emphasized. At the same time, it must be said that the Tribunal has already demonstrated its suitability for and ability in resolving disputes. States parties might, therefore, wish to give close consideration, pursuant to article 287 of the Convention, to the possibility of making choices of procedures for the binding settlement of disputes concerning the interpretation and application of the Convention.

Another Convention body, the International Seabed Authority, must be congratulated for the strides it has already made. In connection with the everyday working of these two agencies, my delegation encourages cooperation in the supply and utilization for judicial purposes by the Tribunal of modern information technologies and the harnessing for the benefit of the Authority of environmentally safe techniques for the recovery of deep seabed polymetallic nodules. In addition, we hope that substantial assistance will soon be provided to the Commission on the Limits of the Continental Shelf for the training of nationals of United Nations Convention on the Law of the Sea States parties. Likewise, we welcome the development of training modules for the CARICOM region.

The efficient and peaceful resolution of delimitation problems is central to the rational ordering of maritime matters. We must therefore express our appreciation to the Division for Ocean Affairs and the Law of the Sea and to the Commonwealth for their initiatives in this area. We note with satisfaction that the preponderant majority of formal claims to maritime jurisdiction fall within the prescriptions of the 1982 Convention and that, during the past year, there have been several instances of the conclusion of satisfactory arrangements for delimitation between various pairs of States.

Belize boasts a substantial yet low-lying coastline. Two of its nine municipalities are located on offshore islands. Many of our populace are economically dependent on the waters around those islands and adjacent reefs. Belize is also a member of the Caribbean Community, 11 of whose 14 members are islands. In this light, my delegation continues to seek the general membership's support for CARICOM's current initiative concerning the Caribbean Sea in the context of sustainable development.

I now turn to issues relating to the shipping industry and navigation. As I have already noted, Belize shares the problems and concerns of small and developing States. At the same time, we are a State with a growing shipping sector, which is important for our national welfare. We therefore fully understand the need for the facilitation of freedom of investment in this sector as much as in industrial and agricultural production and trade. To some extent, shipping is simply one of the factors of economic production and growth. As a country which is said to have one of the fastest-growing fleets, Belize is fully engaged in developing its ports and their regulation, significantly improving its fleets, enhancing its shipping legislation and subscribing to relevant intergovernmental agreements. Above all, Belize seeks actively to improve its structures for the improvement and safety of navigation. In that connection, Belize fully supports calls for the harmonization of various vessel

surveys and anticipates the advent of increased shore-based control of ships.

In other words, Belize has been maintaining its control over ships flying the Belizean flag. At the same time, we are determined to enforce national and international laws and regulations and to ensure that, without harm to port States or to seafarers, Belizean nationality is withdrawn from those ships that abuse such laws and that sully Belize's good name. We have a well-deserved reputation as an environmental paradise. Our policy on enforcement is being brought into line with that reputation, since we appreciate that the most abused and largest portion of the global environment is the oceans. Furthermore, Belize acknowledges the dangers that unsafe, unseaworthy and unsanitary vessels pose to their crews, passengers and many others.

Now I wish to turn to the development and management of marine resources and the protection and preservation of the marine environment. In view of the recent dramatic collapse of many regional fisheries and the deterioration of many economies based on fisheries, we are concerned about illegal, unregulated and unreported fishing — also called IUU fishing — especially by vessels which are not members of regional fisheries organizations or arrangements or by reflagged vessels owned by nationals of Member States. As the Secretary-General's report indicates, IUU fishing has a severe impact on fish stocks, as well as on associated fish species and other types of fauna. The report describes various global and regional initiatives that seek to ensure that fisheries are sustainably and responsibly managed, especially in regions economically dependent thereon. These regions include the African, Caribbean and Pacific small island developing States and the least developed coastal States. Belize fully supports such efforts.

The Government of Belize pledges to cooperate with relevant regional fisheries bodies to restrain vessels flying its flag from illegal, unauthorized and unreported fishing. My delegation applauds the emphasis given in the report — following up on the United Nations Environment Programme's Global Environment Outlook 2000 (GEO-2000) report and other sources — to the importance of environmental integration. We urge all domestic, regional and international institutions to factor international environmental concerns into mainstream decision-making regarding agriculture and industrial production, trade, economics, transportation and all other economic, social and developmental fields.

Belize continues to expand and strengthen its notable network of marine protected areas. We continue to hold the line regarding land-based pollution and to monitor and restrict unacceptable pollution from vessels. By such actions, and with my country's forward-looking Biodiversity Action Plan and Strategy, Belize continues to enhance its reputation as a paradise of biodiversity that also positively contributes to the elimination of the planet's greenhouse gases.

Mr. Slade (Samoa): I have the honour to make this statement on behalf of the Alliance of Small Island States (AOSIS). We are most grateful to the Secretary-General, and of course to all the United Nations personnel and agencies involved, for the excellent coverage and quality of the report (A/54/429) now before the Assembly.

The subject of oceans and seas is of vital importance to small island States. It is the ocean that defines islands and island communities. The primacy of the oceans provides a natural force and motivation to the role played and maintained by island States in this subject area, and to the exceptional contribution by representatives of island States, such as the late Professor Arvid Pardo of Malta.

The ocean is a fundamental influence on our countries, traditionally and culturally. We have relied on the ocean and its resources for our sustenance and livelihood since time immemorial. The importance of ocean resources to the sustaining of our vulnerable economies is already a matter of real significance for many communities, and of the highest long-term potential for many more island communities. However, because of the fragile nature of our ecosystems, we have to strike a balance in the sustainable use and development of these very important resources, as well as in preserving and conserving them.

I need to say that in more recent times we have begun to see the more frightening face of the oceans. The manifestations of global climate change, such as hurricane Lenny, continue to wreak devastation in our islands, in the manner rather graphically described by the Permanent Representative of Grenada from this podium two days ago. I take the opportunity on behalf of my group to extend our sympathy and support at this difficult time to Grenada, Saint Lucia, Saint Vincent and the Grenadines, Saint Kitts and Nevis and other affected Caribbean countries.

Island States are recognized in Agenda 21 and the Barbados Programme of Action as custodians of vast areas of ocean space. Unfortunately, because of the inherent constraints that confront our countries, it is difficult to fulfil our custodial role without continued international support and improved coordination and cooperation. This aspect was acknowledged and highlighted in the decisions of the Commission on Sustainable Development at its recent seventh session and also by those of the twenty-second special session of the General Assembly for the review and appraisal of the implementation of the Barbados Programme of Action for the Sustainable Development of Small Island Developing States.

The United Nations Convention on the Law of the Sea is now nearly universally accepted and recognized by the international community. It provides the essential framework for our work on oceans and seas. It is also clear that all aspects of oceans and seas are closely related.

Island States believe that coordination and cooperation on matters relating to oceans should be improved at the intergovernmental level. This is the way we can more realistically hope to achieve a holistic approach for global action on the oceans. We would therefore welcome and support the adoption of the draft resolution on agenda item 40 (c) (A/54/L.32).

We regard the creation of an informal consultative process as a positive step forward in coordinating action on the issue of the oceans and seas. We also accept that the General Assembly is the most appropriate forum in which to deal with such a consultative process.

It is noted that the consultative process allows the opportunity to receive inputs from representatives of major groups, as set out in Agenda 21. The inclusive nature of such a process would, we believe, promote transparency, and that can only be beneficial for the Assembly's consideration of these important matters.

On the appointment of the two co-chairpersons, the AOSIS countries wish to join other delegations in expressing the hope that these appointments will be made at an early stage. Indeed, it is in the best interest of the process that the procedural issues pertaining to the meetings be carried out in a swift and prudent manner to allow the actual meeting period to be dedicated to more substantive work. We further support the notion reflected in the draft resolution that, with regard to the appointment of the co-chairpersons, there needs to be representation from both developed and developing countries.

The participation of small island developing States in this consultative process is noted in the draft resolution. It is vital that small island States be supported so as to ensure their full and effective participation in this very important process. In this connection, we echo the sentiments expressed in the draft resolution and respectfully encourage States and international organizations to support efforts in this regard.

We are aware that this draft resolution is attempting to break new ground in the area of oceans-and-seas affairs within the United Nations system. This reaffirms our belief that the United Nations system is best placed to play a facilitating and coordinating role. We look forward to actively participating in the implementation of this draft resolution.

We also take this opportunity to express our thanks and appreciation to Mr. Hanif of Pakistan and Mr. Holmes of Canada for their able coordination of the discussions on this draft resolution.

We are pleased to see that consideration has been given to the issue of waste dumping, which is of paramount importance to small island States. Our isolation, oceanic location and dependence on marine resources make islands highly vulnerable to contamination from all forms of waste. It is therefore important, within the context of sustainable development, to combat and to prevent marine pollution from all types of waste.

We also welcome the other two draft resolutions submitted — under agenda item 40 (a), the omnibus law of the sea draft resolution (A/54/L.31) and under item 40 (b), the draft resolution on the Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (A/54/L.28). The importance of these draft resolutions to our group of countries is obvious.

The draft resolution under item 40 (a) notes that small island developing States need assistance in the preparation necessary to fulfil the relevant provisions of the Convention. We urge States to assist small island countries in our endeavours to implement the Convention.

With regard to item 40 (b), we continue to call on States to ratify or accede to the fish stocks Agreement. Our own countries have made legislative amendments as well as institutional adjustments to allow for national laws and arrangements to be in line with the fish stocks

Agreement, the law of the sea Convention and other relevant international agreements. National policies on sustainable management of tuna resources are also being developed. All these would indicate the seriousness with which small island developing States treat the issue of sustainable harvesting of their marine resources.

The draft resolution notes that straddling fish stocks and highly migratory fish stocks have been subject to heavy and little-regulated fishing efforts and that some stocks continue to be overfished. Let me say that we support fully the proposals of the draft resolution aimed at correcting and resolving these problems, including unauthorized fishing. In areas where there is an absence of reliable data being collected with reference to straddling fish stocks and highly migratory fish stocks, the draft resolution calls for the application of the precautionary principle, in accordance with the Agreement. This is absolutely essential and we support fully the application of that principle.

Finally, the countries of the Alliance of Small Island States group would like to thank all coordinators and all who have actively participated in the discussions resulting in these draft resolutions.

Mr. Widodo (Indonesia): At the outset, my delegation would like to express its appreciation to the Secretary-General for the reports contained in documents A/54/429 and A/54/461. Allow me also to avail myself of this opportunity to extend our gratitude to the staff of the Division for Ocean Affairs and the Law of the Sea, as well as other relevant bodies.

Mr. Baali (Algeria), Vice-President, took the Chair.

Standing on the threshold of the next millennium, it is fitting to recall that the United Nations Convention on the Law of the Sea stands out as one of the significant achievements of the international community towards establishing an effective global regime for the sustainable use and development of the seas and oceans and their resources. This landmark instrument also takes into account diverse interests of States in the use of the sea — be they strategic, political or economic — which are of fundamental importance to the maintenance and strengthening of international peace and security. Hence, it is heartening to note that, since the entry into force of the Convention, the total number of States parties has increased to 132, bolstering our hopes and expectations of reaching the goal of securing universal adherence to this legal instrument.

Once again, this year has been an important one for developments regarding law of the sea matters. In this regard, it is pertinent to note that the International Seabed Authority adopted the draft Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area, commonly called the mining code. Fruitful discussions have also resulted in a revised text. Thus, we remain confident that approval of the code will facilitate the commencement of entry by the Authority into contracts for exploration with pioneer investors that have been approved since 1997. Other important developments include the adoption of guidelines for the assessment of the possible environmental impact arising from such exploration. Likewise, the Commission on the Limits of the Continental Shelf adopted the final form of the Scientific and Technical Guidelines, aimed at providing guidance to the coastal States on the technical nature and scope of data and information to be submitted to the Commission. For developing countries in particular, training is essential to attaining the necessary skills for preparing submissions to the Commission; so, too, is the establishment of a trust fund to extend assistance to developing countries and thereby enable their participation. As to the Meetings of States Parties, it is hoped that consensus can be achieved on rules dealing with their deliberations regarding issues of substance.

Harmonizing national legislation with the Convention is a prerequisite to ensuring its unified character, as has been reaffirmed by the General Assembly, most recently in its resolution 53/32. As an archipelagic State, Indonesia attaches great importance to the Convention. Ever since Indonesia enacted Law No. 17 regarding the ratification of the Convention, it has committed itself to the task of regularly reviewing its national legislation with a view to bringing it into harmony with the Convention's obligations and to providing new regulations for the implementation and enforcement of provisions of the Convention that have not yet found a place in its national laws.

As a maritime country whose islands and the surrounding seas form an ecological entity, Indonesia remains concerned about the degradation of its marine environment. Its preservation has therefore been a national policy priority. The principles underlying Part XII of the Convention and the goals set forth in chapter 17 of Agenda 21 are reflected in the Broad Guidelines for State Policy by the Indonesian People's Consultative Assembly. In this regard, the Indonesian Bureau of Marine Affairs is charged with the task of promoting the

integrated planning and development of marine and coastal areas.

Technological innovations have exposed vast areas of the oceans to unprecedented levels of commercial exploitation. Among these, fishery resources have come under tremendous pressure — indeed, under the imminent threat of extinction. Indonesia therefore fully supports the provisions of the Rome Declaration on the Implementation of the Code of Conduct for Responsible Fisheries that was adopted by the Food and Agriculture Organization of the United Nations (FAO) at the Ministerial Meeting of Fisheries in Rome on 10 and 11 March 1999. In this regard, it is pertinent to note that they declared, *inter alia*, the need to accord high priority to achieving the sustainability of both capture fisheries and aquaculture within the framework of the ecosystem approach, bearing in mind the needs of the developing countries as well as for the FAO to assist third world nations in implementing the Code of Conduct, while inviting donor countries to enhance their financial support towards this end.

Given the unique role of small island developing countries as sanctuary to innumerable ecological and bio-diverse resources in large areas of the world's oceans, as well as the formidable challenges faced in overcoming the adverse effects of climate change, the special session of the United Nations General Assembly for the review and appraisal of the implementation of the Programme of Action for the Sustainable Development of Small Island Developing States was convened on 27 and 28 September 1999.

Indonesia, as a country that comprises over 17,000 islands, most of them sharing the development challenges and constraints that are weighing down the small island developing States, fully supports the system-wide implementation of the Programme of Action for the Sustainable Development of Small Island Developing States, the major outcome of the Global Conference in Bridgetown, Barbados in 1994. The special session afforded the opportunity for a comprehensive review to reflect on, assess and recommit ourselves to this valuable Programme and muster the will to move it forward.

In the context of strengthening regional cooperation, Indonesia has sponsored a workshop series on "Managing Potential Conflict in the South China Sea", with the goal of turning potential conflict in the area into actual and mutually beneficial cooperation. We believe that the workshop series has contributed to the growth of confidence among the protagonists. As a result of the workshop process, we now have a sizable and still growing body of concrete and constructive proposals for cooperation in the South China Sea in fields that offer much common ground and promise large benefits to all peoples of the area. With consideration for practicality, cost-effectiveness and still-prevailing sensitivities, the workshop started with projects that are not controversial and on which there is already solid agreement, and from there it has been working its way forward step by step.

The latest of the workshops, held in Jakarta in December 1998, agreed, among other things, on projects on biodiversity. It also agreed that the Working Group on Legal Matters be tasked to make a study on guidelines and a code of conduct on the South China Sea. The workshop cited confidence-building measures as essential to the success of efforts to minimize tension, prevent conflict, promote cooperation and create an atmosphere conducive to the peaceful settlement of disputes. The participants also gave recognition to the importance of activities to enhance communication and ensure safety of navigation and shipping.

Crimes at sea, including piracy and armed robbery, have escalated in recent years. This menace should be eradicated. Toward this end, the International Maritime Organization (IMO) has amended its circulars on recommendations to Governments for preventing and suppressing piracy and armed robbery at sea and on guidance to ship owners and ship operators, ship masters and crews on preventing and suppressing acts of piracy and armed robbery against ships. We also appreciate these efforts and other IMO initiatives in this field. In addressing this daunting problem, Indonesia is of the view that regional cooperation is a sine qua non to combat it. Within this framework, we have worked with member States of the Association of South-East Asian Nations (ASEAN) through the ASEANPOL data base system to pool our resources in finding an effective way to eliminate these crimes. We have also concluded bilateral agreements with neighbouring States to enhance cooperation to suppress such crimes at sea, including the establishment of joint surveillance arrangements.

In the light of the fact that oceans and its resources have been declared to be the common heritage of mankind, we fully support the endeavours of the United Nations Educational, Scientific and Cultural Organization (UNESCO) towards a convention for the implementation of the provisions of the Convention relating to the protection of underwater heritage, as well as ensuring

that such an instrument would be in accordance with the relevant provisions of the Convention.

Finally, the Indonesian delegation is pleased to cosponsor, as it has in previous years, the draft resolution contained in document A/54/L.31, and we hope that all Member States will lend it their support.

The Acting President: In accordance with General Assembly resolution 51/204 of 17 December 1996, I call on the President of the International Tribunal for the Law of the Sea, Mr. Chandrasekhara Rao.

Mr. Rao (International Tribunal for the Law of the Sea): On behalf of the International Tribunal for the Law of the Sea, I wish to express my appreciation for the opportunity given to me to address the General Assembly at this session in connection with the discussion of the item on oceans and the law of the sea. I extend to Mr. Theo Ben Gurirab my personal congratulations, and those of the Tribunal, on his election as the President of the General Assembly. Under his leadership, the Assembly has been successfully advancing its work at this session.

The Tribunal was established with 21 judges on 1 October 1996. The terms of office of seven judges, who were elected for a three-year term, expired on 30 September 1999. The first triennial election to fill the places of these seven members was held on 24 May 1999. During the eighth session of the Tribunal, held in late September and early October 1999, the judges of the Tribunal elected Judge P. Chandrasekhara Rao as the President and Judge Dolliver Nelson as the Vice-President. Judge Tullio Treves was elected as the President of the Seabed Disputes Chamber.

The Tribunal has had a very productive year since the former President of the Tribunal, Judge Thomas A. Mensah, addressed this body at its fifty-third session. Over the last 12 months, the Tribunal has made important progress in consolidating its special position in dealing with disputes concerning the interpretation or application of the United Nations Convention on the Law of the Sea. In 1999, the Tribunal delivered its first judgment on the merits in the M/V *Saiga* (No. 2) case, Saint Vincent and the Grenadines v. Guinea; and an Order in the Southern Bluefin Tuna cases, New Zealand v. Japan and Australia v. Japan.

The Tribunal is part of the system for the peaceful settlement of disputes envisaged in the Charter of the United Nations. Indeed, it finds its origins in the efforts sponsored by the United Nations, which culminated in the adoption of the United Nations Convention on the Law of the Sea. The Convention does not provide a single body for adjudicating law of the sea disputes but provides for a number of alternative means for the settlement of disputes. Nevertheless, the Tribunal, composed as it is of persons of recognized competence in the field of the law of the sea, is accorded by the Convention a pre-eminent position in the matter of settlement of law of the sea disputes. This position is confirmed by, among other things, the prescription of compulsory jurisdiction of the Tribunal in respect of certain matters and the extension of the Tribunal's jurisdiction to entities other than States. The Tribunal is given a special competence to hear applications for the prompt release of vessels and crews under article 292 and to deal with requests for provisional measures under article 290, paragraph 5, of the Convention. These compulsory jurisdictions are unique in international law. The Seabed Disputes Chamber of the Tribunal also enjoys compulsory jurisdiction in respect of certain disputes referred to in Part XI, section 5 of the Convention.

Above all, it is worth noting that the International Tribunal for the Law of the Sea is a standing court consisting of 21 judges with recognized competence in the field of the law of the sea. The Tribunal is a world court that is designed by the United Nations Convention to play a central role in the resolution of law of the sea disputes.

The Tribunal has already dealt with two cases in which it has been called upon to exercise its compulsory jurisdiction under article 290, paragraph 5, and article 292 of the Convention. It has also prescribed provisional measures under article 290, paragraph 1, and has heard its first case on the merits. The judgment in the M/V *Saiga* (No. 2) case, delivered by the Tribunal on 1 July 1999, dealt with many important issues under the Convention, including the freedom of navigation and other internationally lawful uses of the seas, commercial activities in the exclusive economic zone, the enforcement of customs laws and the right of hot pursuit.

The Southern Bluefin Tuna cases were the first in which provisional measures were prescribed under article 290, paragraph 5, of the Convention. In these cases, the provisional measures were requested in connection with important issues of conservation and management of a highly migratory fish stock. The requests for provisional measures were submitted by both New Zealand and Australia on 30 July 1999, and public hearings, involving

the use of courtroom multimedia facilities, were held on 18, 19 and 20 August. The decision of the Tribunal was delivered one week later, on 27 August 1999. As well as providing the Tribunal with an opportunity to scrutinize the scheme of the Convention on a wide range of issues, these cases also permitted it to test the efficacy of its own rules of procedure and methods of working.

It is significant that the establishment of the Tribunal took place during the United Nations Decade of International Law. This Decade has witnessed momentous changes in international law, and the report of the Secretary-General faithfully records them.

I wish to take this opportunity to express my sincere thanks and appreciation to Secretary-General Kofi Annan for the continuing support provided to the Tribunal and for his interest in its activities. I wish also to express my appreciation and thanks to the Legal Counsel of the United Nations, Mr. Hans Corell, for his ongoing support. The Tribunal is deeply appreciative of the continuing assistance rendered it by the Division for Ocean Affairs and the Law of the Sea. I acknowledge the important contribution of the Division in posting promptly the records of the Tribunal and the verbatim transcripts of the hearings in the cases before it on the website of the United Nations within hours of the close of each daily session during the hearings in the M/V *Saiga* (No. 2) case and in the Southern Bluefin Tuna cases.

The Tribunal wishes to add its support to the nineteenth preambular paragraph of draft resolution A/54/L.31, which expresses the appreciation of the General Assembly to the Secretary-General for his efforts in support of the Convention and assistance in the functioning of the institutions created by the Convention.

On behalf of the Tribunal, I wish to thank the sponsors of the draft resolution for noting in operative paragraph 7 the continued contribution of the International Tribunal for the Law of the Sea to the peaceful settlement of disputes and for underlining the Tribunal's important role and authority concerning the interpretation or application of the Convention. I wish to express my sincere appreciation to all delegations which spoke in support of the Tribunal.

As the eighth preambular paragraph of the draft resolution states, the financial situation of the Tribunal is a source of concern for us. Operative paragraph 13 underlines the importance of prompt payments of contributions by States parties to the effective functioning of the Tribunal. Timely payments of contributions have a vital bearing on the promotion of the rule of law within the framework of the United Nations Convention on the Law of the Sea. In this connection, I join the appeal made in operative paragraph 13 to all States parties to the Convention to pay their assessed contributions to the Tribunal in full and on time in order to ensure that it is able to carry out its functions as provided for in the Convention.

The Agreement on the Privileges and Immunities of the International Tribunal for the Law of the Sea has to date been signed by 21 States parties; two States parties have ratified it. The Agreement was closed for signature on 30 June 1999 and is open for ratification or, as the case may be, for accession. For the Agreement to enter into force, at least 10 instruments of ratification or accession need to be deposited with the Secretary-General of the United Nations.

I would like to emphasize that the early entry into force of the Agreement would greatly facilitate the work of the Tribunal. I welcome operative paragraph 12 of draft resolution A/54/L.31, which calls upon States that have not done so to consider ratifying or acceding to the Agreement. I would also like to point out that the Agreement permits a State which intends to ratify or accede to the Agreement to notify the depositary at any time that it will apply the Agreement provisionally for a period not exceeding two years.

On behalf of the Tribunal, I wish to take this opportunity to express special appreciation to the Government of the Federal Republic of Germany and to the senate of the Free and Hanseatic City of Hamburg for the excellent cooperation extended to us. The negotiations between the Federal Government and the Tribunal concerning the conclusion of a headquarters agreement for the Tribunal have yet to be concluded. We hope this agreement will soon be concluded.

I wish to note that the Tribunal plans to move into its permanent premises in Hamburg about five or six months from now. We hope that this facility will contribute to the effective functioning of the Tribunal. The planning for a ceremonial opening of the building is under way.

Our court is now three years old. Within this short period of its existence, it has been able to prepare efficient, cost-effective and user-friendly rules, guidelines and procedures for promoting the settlement of disputes

without unnecessary delay or expense. We hope that States and other entities will continue to make full use of the Tribunal for achieving rapid settlement of the law of the sea disputes and ensuring uniform and consistent application of the United Nations Convention on the Law of the Sea.

We will soon enter the first century of the third millennium. On this occasion, I wish to assure this body that it shall be the constant endeavour of the Tribunal to promote the rule of law in matters relating to the oceans, in accordance with the United Nations Convention on the Law of the Sea and other rules of international law not incompatible with the Convention.

I wish to thank the President and delegates of the Assembly again for enabling me to address this body on a subject of importance to the Tribunal.

The Acting President: In accordance with General Assembly resolution 51/6 of 24 October 1996, I now call on the Secretary-General of the International Seabed Authority, Mr. Satya Nandan.

Mr. Nandan (International Seabed Authority): Mr. Vice-President, it gives me great pleasure to see you presiding over this meeting of the Assembly since you are an old law of the sea hand.

I am grateful for this opportunity to address the General Assembly on behalf of the International Seabed Authority. Allow me to express my appreciation to the Secretary-General for his comprehensive report contained in document A/54/429. Once again, my colleagues in the Division for Ocean Affairs and the Law of the Sea have worked hard to produce an extremely useful and detailed report on ocean affairs.

I wish to express my appreciation for the various references to the Authority in draft resolution A/54/L.31, which is now before the Assembly. In operative paragraph 10 the Assembly emphasizes the importance of the commitment of the members of the Authority to work expeditiously towards the adoption of the draft regulations on prospecting and exploration for polymetallic nodules. The adoption of the draft regulations, which have been before the Council of the Authority since August 1998, is essential and urgent in order to enable the Authority to issue the first set of seven licenses or contracts for exclusive exploration for polymetallic nodules by the seven applicants who were registered as pioneer investors by the Preparatory Commission. The plans of work submitted by the seven registered pioneer investors were approved by the Council in August 1997, thus bringing those pioneer investors from the interim regime in resolution II of the Conference into the definitive regime created by the Convention and the 1994 Agreement relating to the implementation of Part XI of the Convention.

The adoption of the regulations would also enable the Authority to begin to focus on the potential for exploration for and exploitation of resources other than polymetallic nodules in the international seabed area. Although international attention has previously focused on polymetallic nodules, a considerable amount of research has taken place with respect to deposits of hydrothermal polymetallic sulphides and cobalt-bearing crusts in parallel with research on polymetallic nodules. Some of the deposits of such minerals found in the international seabed area have potential for development. The study of these other mineral resources has become an imperative in light of the request made to the Authority, pursuant to article 162, paragraph 2, of the Convention and the provisions of the 1994 Agreement, to adopt rules, regulations and procedures for exploration for hydrothermal polymetallic sulphides and cobalt-bearing crusts. The relevant provisions state that, on a request by any member of the Authority, the Council shall complete the adoption of such rules, regulations and procedures within a period of three years. The Authority received such a request from a member State during its August 1998 session.

I am also pleased that the draft resolution urges States parties to the Convention to pay their assessed contributions to the Authority and to the International Tribunal for the Law of the Sea in full and on time. As far as the budget of the Authority for 1999 is concerned, I am pleased to inform the Assembly that the response by Member States has been very positive and that, as a result of stringent financial controls and savings in a number of areas, the financial situation of the Authority has improved since last year. There remains, however, a significant amount outstanding from previous years' contributions, including contributions from some former provisional members of the Authority. In order to ensure the continued financial viability of the Authority, it is important that all States demonstrate their support for the Convention by fulfilling their outstanding obligations promptly.

With the signature in August this year of the Headquarters Agreement between the Authority and the Government of Jamaica, and the adoption by the Council

of the Financial Regulations of the Authority, I am pleased to report that the Authority has virtually completed the preparatory phase of its establishment. The necessary internal rules and regulations and administrative measures are in place and the emphasis now is on the development of its substantive work programme. Thus in August this year the Authority convened in Kingston a workshop on the design and development of technology for seabed mining. The workshop was attended by experts from pioneer investor countries as well as experts from other countries and representatives of the private sector. The proceedings of the workshop will be published in due course. This year the Authority also published the full record of proceedings of its 1998 workshop on the development of guidelines for the assessment of potential environmental impacts from deep seabed mining. Copies of this publication have been made available to all member States.

As I mentioned earlier, the Authority will soon be working on draft regulations for prospecting and exploration for resources other than polymetallic nodules. In this regard, it is intended during 2000 to convene a third workshop on the status of knowledge of and research on such resources in the international seabed area. A considerable amount of research has been carried out, and it is hoped that the workshop will be useful in drawing together the results of such research and identifying areas of potential interest to members of the Authority. This workshop will take place preceding the August session of the Authority next year.

I should like to take this opportunity to mention that one of the major tasks for the Assembly of the Authority during 2000 will be to undertake a systematic review, under article 154 of the Convention, of the manner in which the international regime for the Area has operated in practice. The report of the Secretary-General of the Authority will deal with this matter and will provide a useful basis for such a review.

The final comment I wish to make in relation to draft resolution A/54/L.31 is in respect of operative paragraph 12, which calls upon States which have not already done so to ratify or accede to the Protocol on the Privileges and Immunities of the Authority. As the representative of Jamaica noted at the 61st meeting, the Protocol forms an essential complement to the recently concluded Headquarters Agreement, and I would urge all member States to consider signing and ratifying the Protocol at the earliest opportunity. The Protocol is of benefit to the representatives of member States who participate in the meetings convened by the Authority, as it deals with the immunities and privileges of such representatives on their journeys to and from meetings as well as while they are in the territory of the host country.

Turning to draft resolution A/54/L.32, which is now before the Assembly, it is indeed encouraging that the General Assembly is about to take a decision on the matter of coordination and cooperation, at the global level, of ocean affairs. This is, of course, a matter which was referred to in a number of statements during the debate on this item last year, including my own statement, and in the reports of a number of organizations and bodies.

I am grateful that the matter was further discussed and considered at the Commission for Sustainable Development, following which a recommendation was made by the Economic and Social Council. I particularly appreciate that the General Assembly has acted in a timely manner, for I believe that the oceans will become an area of intense activity as the new millennium progresses. This will come about as a result of the increase in demand for food resources and more rapid communications and transportation, as well as the demand for mineral resources from the sea. It is inevitable that major developments in technology and advances in scientific research on the maritime environment will accelerate these activities.

In this regard it might be observed that the international community has always taken the oceans for granted, so much so that it is prepared, as is currently the case, to spend billions of dollars in research in outer space while less than one tenth of that amount is allocated to research on the more immediate environment of the oceans. Clearly this must change as pressure on the ocean environment grows and the need to discover new uses for the oceans and to develop their potential becomes more urgent. This, of course, underscores the need for better coordination and cooperation in the area of oceans policies at the national, regional and global levels, as well as the development and implementation of policies that are coherent and cost-effective. Increased cooperation and coordination in the area of research on the oceans and their resources will also assume greater significance, together with the need to reconcile the competing uses of the oceans and the need to ensure the protection and preservation of the marine environment.

The establishment of the consultative process referred to in paragraph 2 of the draft resolution represents the beginning of a new process. I hope that it

will work to re-establish the focus on the oceans that is justly deserved. I hope also that the process will succeed in drawing together economic, social, environmental, legal and political aspects of ocean governance for the benefit of the global community as a whole. It is also to be hoped that the implementation of the process will inspire States to undertake better coordination of ocean affairs at the national level. The end result of the consultative process should be to inspire all sectors in Governments and international organizations to work coherently together towards a common purpose within the broad framework provided by the 1982 Convention. Viewed in this light, it is only logical that there should be a global body to undertake such a review, and the appropriate body for this purpose must be the General Assembly.

As far as participation in the consultative process is concerned, it is important that the process should be open not only to States, but also to other stakeholders and those who feel they have a contribution to make to the debate. It is particularly important that there should be closer cooperation between all the various agencies and bodies active in ocean affairs. While these organizations and bodies all have their own mandates, they are nevertheless working within the same general framework provided by the 1982 Convention.

It is my hope that the procedures to be adopted for the consultative process will be practical and evolutionary and will not become an impediment to the basic goal that we have set, which is to enhance cooperation and coordination. The present procedures indicated in paragraph 3 of the draft resolution should be flexible and open to future modification and development in response to experience and practical necessity.

An essential element in the establishment of such a consultative mechanism is the effective and constructive participation of all organizations, agencies and bodies engaged in dealing with various aspects of ocean affairs. I hope that in obtaining the necessary information for the preparation of the report of the Secretary-General, every effort will be made to engage all these organizations, bodies and agencies. Furthermore, their active participation in the consultative process itself should be encouraged when matters relevant to their competence are under discussion. The rules of procedure adopted by the consultative process should encourage such participation and not relegate the representatives from such organizations and bodies to the status of interested observers, as is the case under the present rules and practices. Such active participation and representation is important in order that member States can be provided with a basis and background for the discussion of issues. Likewise, special arrangements should be made to allow non-governmental organizations with specific competencies to make their contributions in such a manner as may be appropriate and constructive.

It is also necessary that the agenda should be broad-based and formulated in a manner as would reflect the various sectoral competencies. While the agenda should not limit the debate, it should nevertheless be helpful in identifying some of the key areas of current interest which should be the focus of discussion in the consultative process. If appropriate, a summary of the current developments on such issues may be provided in the form of an annotation to the agenda.

The difficulty of preparing a new, comprehensive report by the Secretary-General between the time the General Assembly meets and the meetings of the consultative process must be recognized. In fact, much of the information contained in the present report, for instance, will remain relevant and possibly current for the meeting in May. It would probably be helpful for the Secretariat just to supplement this report with updated information as may be appropriate and, if possible, to identify the main trends in ocean developments based on the facts already contained in the present report.

As far as the substance of the consultative process is concerned, it is to be hoped that the consultations will prove successful in identifying issues of concern which need to be addressed by the General Assembly, as well as areas where coordination and cooperation at the intergovernmental and inter-agency level need to be improved. The process should also have the possibility of acting as a catalyst for new initiatives in the law of the sea and ocean affairs that would enhance and improve the implementation of the basic framework contained in the 1982 Convention.

As one who was closely associated with the negotiations and adoption of the Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, I am particularly pleased to see draft resolution A/54/L.28 and the associated report (A/54/461) of the Secretary-General before the Assembly. It is indeed encouraging that the Agreement has made considerable progress and is at the threshold of entering into force. On the basis of the indications from a number of States that are presently in the process of becoming parties to the Agreement, it

would appear that we may confidently expect the Agreement to enter into force during the year 2000.

It is perhaps even more heartening to note that the substance of the Agreement is now being adopted and implemented in the context of various regional fisheries organizations. Several such organizations are currently reviewing their mandates in the light of the new Agreement. I am also very pleased to see that new fisheries organizations are being established with a view to implementing the provisions of the Agreement. These include the current negotiations taking place in the south-east Atlantic and the in the central and western Pacific. Both these processes of negotiation are likely to conclude in the near future, and we may expect to see the establishment of new fisheries commissions in these two very important fisheries regions of the world during they year 2000.

These new organizations will provide important models for fisheries conservation and management. In both cases, the negotiations have been characterized by a high degree of cooperation between coastal States and distant water fishing nations, and a high degree of agreement on the basic principles of conservation and management as set out in the Agreement. These encouraging signs are indeed grounds for optimism. I hope that the process of implementation of the Fish Stocks Agreement will continue in other regions, in the interest of better management and conservation of the precious fisheries resources that remain in our oceans.

In concluding, I wish to thank earlier speakers for their expressions of support for the work of the Authority. The level of support from Member States is indeed very encouraging, and I also wish to express my appreciation to all Member States for their constructive participation in the work of the Authority. I would like to take this opportunity to urge Member States to ensure that they are represented at the meetings of the Authority in order that it is able to discharge its responsibilities effectively, since the procedures prescribed in the Convention require the presence of a majority of States parties in order that the Authority can take decisions.

The Acting President: We have heard the last speaker in the debate on this item.

We shall now proceed to consider draft resolutions A/54/L.31, A/54/L.28 and A/54/L.32.

I shall now call on those representatives who wish to speak in explanation of vote or position before action is taken on the draft resolutions. May I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Uykur (Turkey): Of the three draft resolutions before us under the agenda item entitled "Oceans and the law of the sea", Turkey will vote against the draft resolution contained in document A/54/L.31, entitled "Oceans and the law of the sea". The reason for my delegation's negative vote is that some of the elements contained in the United Nations Convention on the Law of the Sea that have prevented Turkey from approving the Convention are still being retained in this draft resolution.

Turkey supports international efforts to establish a regime of the sea which is based on the principle of equity and which is acceptable to all States. However, the Convention does not make adequate provisions for special geographical situations and, as a consequence, is not able to establish an acceptable balance between conflicting interests. Furthermore, the Convention makes no provision for registering reservations on specific clauses. Although we agree with the Convention in its general intent and with most of its provisions, we are unable to become a party to it, owing to these serious shortcomings.

This being the case, we cannot support the draft resolution, which provides that States should harmonize their national legislation with the provisions of the Convention on the Law of the Sea to ensure the consistent application of those provisions.

Regarding the draft resolution entitled "Results of the review by the Commission on Sustainable Development of the sectoral theme of 'oceans and seas': international coordination and cooperation", contained in document A/54/L.32, I would like to state at the outset that Turkey welcomes such initiatives aiming at promoting international coordination and cooperation. My delegation would go along with the main intent of this draft resolution, which envisions the establishment of an informal consultative process open to the participation of all States Members of the United Nations.

Nevertheless, we would like to set on record our reservation regarding the references to the United Nations Convention on the Law of the Sea, both in the

preambular paragraphs and in one of the operative paragraphs of this draft resolution. In particular, the references to the legal framework provided or set out by the Convention can address only the parties to the Convention and do not in any way change Turkey's position with regard to the Convention, nor do they have any effect upon the existing rights and obligations of Turkey in the field of the law of the sea.

In our view, international cooperation and coordination in this field should be sought among all States, regardless of whether they are a party to a certain instrument. Moreover, an efficient cooperation can be achieved only if the views of all States are taken into account, without expecting them to adopt a particular framework which could have further connotations beyond their will. In fact, the same understanding is inherent in the draft resolution itself, by which an informal consultative process is to be established that is open to all States Members of the United Nations.

With this understanding and with the aforementioned reservation, Turkey could go along with the ideals of this draft resolution and looks forward to taking an active part in the process established therein.

As to the draft resolution entitled "Agreement for the Implementation of the Provisions of the Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks", contained in document A/54/L.28, we would like to reaffirm our position with respect to the Convention on the Law of the Sea.

The Acting President (*spoke in French*): I call on the representative of France, who wishes to speak on a point of order.

Mr. Colas (France) (*spoke in French*): The delegation of France would like to draw the attention of the Secretariat to the fact that the content of the French-language version of draft resolutions A/54/L.28, L.31 and L.32 on "Oceans and the law of the sea" differs in several respects from that of the English original. The French delegation will transmit to the Secretariat in writing what corrections might be made to the French-language version in the three draft resolutions to eliminate these discordances with the English original.

The Acting President (*spoke in French*): The Secretariat takes note of the remarks made by the French delegation.

May I remind him that a point of order should relate to the voting procedure and not to any other issue.

Mr. Miyamoto (Japan): Allow me to explain my Government's position concerning the draft resolution contained in document A/54/L.31.

Japan attaches great importance to the legal framework of the United Nations Convention on the Law of the Sea. For this reason, my delegation will vote in favour of draft resolution A/54/L.31.

However, this shall not prejudice my Government's position concerning the ongoing dispute on the southern bluefin tuna.

The Acting President: We have heard the last speaker in explanation of vote before the voting.

The Assembly will now take decisions on draft resolution A/54/L.31, A/54/L.28 and A/54/L.32.

We first turn to draft resolution A/54/L.31, entitled "Oceans and the law of the sea".

We shall now begin the voting process.

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Belarus, Belgium, Benin, Bhutan, Bolivia, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Chad, Chile, China, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Egypt, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Grenada, Guatemala, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan,

Panama, Papua New Guinea, Paraguay, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Viet Nam, Yemen, Zambia

Against:
Turkey

Abstaining:
Colombia, Ecuador, Peru, Venezuela

Draft resolution A/54/L.31 was adopted by 129 votes to 1, with 4 abstentions (resolution 54/31).

[Subsequently, the delegations of Israel and Tajikistan informed the Secretariat that they had intended to vote in favour.]

The Acting President: We turn next to draft resolution A/54/L.28, entitled "Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks".

I should like to inform the Assembly that the following Member States have become additional co-sponsors to this draft resolution: Argentina, Fiji, Iceland, Marshall Islands, Micronesia, New Zealand, Philippines, Samoa, Solomon Islands.

May I take it that the Assembly decides to adopt draft resolution A/54/L.28?

Draft resolution A/54/L.28 was adopted (resolution 54/32).

The Acting President: We now turn to draft resolution A/54/L.32, entitled "Results of the review by the Commission on Sustainable Development of the sectoral theme of 'oceans and seas': international coordination and cooperation".

I give the floor to the representative of the Secretariat.

Mr. Perfiliev (Director, General Assembly and Economic and Social Council Affairs Division): I should like inform members that by paragraph 2 of draft resolution A/54/L.32, the General Assembly would decide, consistent with the legal framework provided by the United Nations Convention on the Law of the Sea and the goals of chapter 17 of Agenda 21, to establish an open-ended informal consultative process in order to facilitate its annual review of developments in ocean affairs by considering the Secretary-General's report on oceans and the law of the sea, and to identify particular issues to be considered by the General Assembly, with an emphasis on identifying areas where coordination and cooperation at the intergovernmental and inter-agency level should be enhanced.

By paragraph 3 (b) the General Assembly would decide that the meetings will take place for one week each year and in 2000 will be held from 30 May to 2 June, and by operative paragraph 6 would request the Secretary-General to provide the consultative process with the necessary facilities for the performance of its work and to arrange for support to be provided by the Division for Ocean Affairs and the Law of the Sea, in cooperation with other relevant parts of the Secretariat, including the Department of Economic and Social Affairs, as appropriate.

It is anticipated that two open-ended consultative meetings on oceans and the law of the sea would be held in New York, one from 30 May to 2 June 2000 — four days, two meetings per day with interpretation in six languages — and one in May 2001 — five days, two meetings per day with interpretation in six languages. There are no additional requirements for documentation. The documentation that is being submitted to the General Assembly under the agenda item "Oceans and the law of the sea" would be used at the consultative meetings.

The conference-servicing requirements of the above meetings are estimated at $125,810 at full cost. The extent to which the Organization's capacity would need to be supplemented by temporary assistance resources can be determined only in the light of the calendar of conferences and meetings for the biennium 2000-2001. However, provision is made under the relevant section on conference services of the programme budget for the biennium 2000-2001 not only for meetings programmed at the time of budget preparation but also for meetings authorized subsequently, provided that the number and distribution of meetings are consistent with the pattern of meetings of past years. Consequently, should the General

Assembly adopt the draft resolution, no additional appropriation would be required.

Thus, should the Assembly decide to adopt draft resolution A/54/L.32, no additional appropriation would be required for the biennium 2000-2001.

The Acting President: May I take it that the General Assembly decides to adopt draft resolution A/54/L.32?

The draft resolution was adopted (resolution 54/33).

The Acting President: Before calling on delegations wishing to speak in exercise of the right of reply, may I remind members that statements in exercise of the right of reply are limited to 10 minutes for the first intervention and to five minutes for the second intervention, and should be made by delegations from their seats.

Mr. Hasmy (Malaysia): My delegation has taken note of the statements made by the representatives of Japan, the Philippines and Viet Nam relating to the South China Sea. As one of the claimant States to a part of the Spratlys, Malaysia has always emphasized the need to resolve the dispute concerning sovereignty over the Spratlys by peaceful means, without resorting to the threat or use of force. As a party to the 1992 Declaration on the South China Sea adopted by the Association of South-East Asian Nations (ASEAN), Malaysia will ensure that any action taken in the area does not violate the Declaration. Malaysia also supports efforts to resolve the dispute over the Spratlys in accordance with international law and the 1982 United Nations Convention on the Law of the Sea.

Malaysia is encouraged by the fact that all claimant States have accepted negotiations and dialogue as a means towards resolving their differences. Malaysia urges all claimant States to adhere to that principle and to refrain from actions that could adversely affect peace and stability in that area and that region.

Further, with regard to resolving disputes, Malaysia is of the view that States that are not parties to the dispute should not interfere in or attempt to influence the process of negotiations among the claimant States. In pursuing the principle of justice and fairness in negotiations among States, we believe that negotiations among two or more claimant States should be conducted on the basis of equality and mutual respect.

Malaysia welcomes ASEAN's efforts to conclude a regional code of conduct on the South China Sea. Malaysia has actively participated in the discussions on a draft code of conduct, and will continue to make a positive contribution to those discussions with a view to final acceptance of the code by all concerned parties in the region.

On the issue of security in the Straits of Malacca, we would like to assure the international community that, for its part, Malaysia has taken the necessary measures to prevent and combat incidents of piracy and smuggling activities in that area, such as increasing aerial and naval surveillance. Similar measures have also been taken in respect of Malaysia's exclusive economic zone in the South China Sea. However, national efforts to combat piracy and smuggling activities in these areas can be fully effective only if supplemented by cooperative efforts on the part of neighbouring countries with the support and assistance of the international community.

Mr. Phan Truong Giang (Viet Nam): With regard to the Chinese Government's fishing ban in the Eastern Sea area, also known as the South China Sea, from 1 June 1999, our delegation wishes to take this opportunity to reaffirm the following. We have more than once stated that Viet Nam has sufficient historical and legal grounds to prove its indisputable sovereignty over the Hoang Sa (Paracel) and Truongsa (Spratly) archipelagos. I wish also to state that Viet Nam has full sovereign rights over its exclusive economic zones and continental shelves. Any activities by other countries in relation to the Hoang Sa (Paracel) and Truongsa (Spratly) archipelagos, as well as within Viet Nam's exclusive economic zones and continental shelves, without the agreement of the Vietnamese Government would be a violation of Viet Nam's sovereignty over and sovereign rights to those areas.

While promoting negotiations aimed at a fundamental and long-term solution to the dispute, the parties concerned should maintain stability on a status quo basis, exercise self-restraint and refrain from any acts that would further aggravate the situation.

Mr. Gao Feng (China): The Vietnamese delegation, in its exercise of the right of reply, made a reference to the Xisha and Nansha islands, on Chinese territory. The Chinese Government has made its position known on many occasions. Sovereign rights over the Xisha and Nansha islands are based on historical fact, and those rights are recognized by neighbouring countries in their official positions. All this is very clear to our neighbouring countries and to the international

community. Furthermore, the Chinese Government advocates that the sovereignty dispute over the Xisha and Nansha islands should be settled through peaceful means and that in the process all parties should refrain from taking any action that would complicate the issues. In the meantime, we are opposed to intervention in the dispute by nations outside the region, which would only further complicate the matter.

Mr. Sorreta (Philippines): Just briefly, I would like to refer briefly to some comments made just recently. The Philippines is a claimant to certain islands and features in the South China Sea. I will not burden this body with the clear basis of our claim. I will just say that the Philippines, contrary to what may have been stated here, does not recognize any other claim to the South China Sea. I would like to add that, at this very moment and in the coming days, the heads of States of the Association of South-East Asian Nations, together with the heads of State of one other claimant country and two other interested States in the region, will be meeting in Manila to take up the possibility of arriving at a regional code of conduct for the South China Sea. We look positively on this development and hope that every other State concerned with a peac[illegible] resolution of this dispute will do likewise.

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 40?

It was so decided.

Crown Prince Albert (Monaco), Vice-President, returned to the Chair.

Agenda item 22

Building a peaceful and better world through sport and the Olympic ideal

Draft resolution (A/54/L.26)

The Acting President (*spoke in French*): This is the fifth time the General Assembly has examined agenda item 22, entitled "Building a peaceful and better world though sport and the Olympic ideal". Since the adoption of resolution 48/10 on 25 October 1993, States Members have reaffirmed their attachment to the principles and ideals of *ekecheiria*, a tradition of ancient Greece that dates the ninth century B.C., according to which all conflicts would cease during an Olympic Truce from the seventh day before the opening of the games until the seventh day after their closing.

The proliferation of conflicts, internal as well as international, of which civilian populations are the innocent victims, can only reaffirm to us the need to work towards the ideal embodied in that tradition by encouraging States, in conformity with the United Nations Charter, to resolve their differences through peaceful means.

To this end, Member States have continued to reinforce ties between the United Nations and the International Olympic Committee through the creation of joint programmes, especially in the areas of development, eliminating poverty, health and education, humanitarian assistance, protection of the environment and combating drugs.

Because of their common goals of promoting the harmonious development of humanity and international understanding, the United Nations and the International Olympic Committee dedicate themselves to imparting to young people around the world the principles of tolerance, solidarity, friendship, competition in diversity and respect for others.

I would like to add a personal note here. As President of Monaco's Olympic Committee, member of the International Olympic Committee and, above all, as an athlete who has had the privilege of representing my country in the Olympic Games, I would like to emphasize the great necessity of taking every occasion that arises to build a more peaceful and better world through sport. That is why I attach the greatest importance to the honour of presiding over this plenary meeting, which I hope will result in Member States' renewal of their support for this noble cause.

I give the floor to the representative of Australia to present the draft resolution A/54/L.26.

Mr. Kowalski (Australia): As an Australian citizen and an Olympian, I am greatly honoured to introduce this draft resolution, entitled "Building a peaceful and better world through sport and the Olympic ideal" to the General Assembly at its fifty-fourth session.

We are particularly honoured by the presence of His Highness Prince Albert of Monaco, in his capacity as Acting President of this plenary meeting. Prince Albert is not only an outstanding ambassador for his country and

the international Olympic Movement, he is also a former Olympic athlete himself.

Australia, as host of the twenty-seventh summer Olympics and the eleventh Paralympiad in Sydney in 2000, is proud to be the lead sponsor of this consensus-building draft resolution. The draft resolution has attracted 180 sponsors. In addition to those listed in the document before the Assembly, I would like to note the following sponsors: Afghanistan, Belgium, Cuba, Hungary, the Islamic Republic of Iran, the Lao People's Democratic Republic, Palau, the Republic of Moldova, Sao Tome and Principe and Vanuatu.

The draft resolution reaffirms the importance of the Olympic ideal in promoting international understanding and goodwill through sport and culture. More practically, it calls on all countries to observe the Olympic Truce during the period of the Olympic Games and to consider ways in which the Truce can be used beyond the Olympic period.

The draft resolution also recognizes the complementarity that exists between the principles of the United Nations and those of the international Olympic Movement.

Australia's commitment to the Olympic Movement is long standing. We are one of only two countries, along with Greece, to participate in every Summer Olympic Games of the modern era. We will also be one of only five countries to host two Summer Olympic Games. The first was the Games of the XIV Olympiad in Melbourne in 1956.

Australia's commitment to the Olympic Movement is further reflected in our approach to the 2000 Games. The mission of the Games' organizers has been, from the outset, to deliver the world the most harmonious, athlete-oriented and culturally enhancing Games to date.

The 60-day festival of the Olympic and Paralympic Games in Sydney will reaffirm the true sporting values of dedication, courage, fair competition, compassion and respect for individual human worth. Above all, the festival will celebrate the athletic participation and achievements of women and men brought together from 200 countries from around the globe.

It is true that Australia is known widely as a sporting nation. The values of universality, inclusiveness and respect for diversity that are at the heart of the Olympic Movement are also integral to the Australian way of life.

As an Australian, not a day goes by that I do not drive by a sporting field, a swimming pool or a basketball court and see hundreds of kids participating in sport, emulating their heroes. Through seeing today's Olympians in action, the youth in our country know it is possible to be the best; but more importantly, they know they have the opportunity to do so. Not only are they furthering their sporting dreams, but life as well.

I learned so much as I grew up watching and admiring the Olympians before me. I learned about commitment, sacrifice, enjoying the opportunity, managing my time and giving 100 per cent, and most importantly I learned to be proud of what I do and who I am. These great messages that I was taught, and that I am continuing to teach the youth of the next millennium, are more than messages to do with sport; they are messages that help people in life no matter what field they choose to follow.

The staging of the Olympic and Paralympic Games will highlight Australia as an open, tolerant and inclusive community made up of migrants from more than 160 countries. Through cultural events staged in conjunction with the Games, the unique culture and heritage of our Aboriginal and Torres Strait Islander peoples will also be demonstrated.

The 2000 Games also demonstrate our strong commitment to environmental protection. In our statement on this agenda item two years ago, we noted our pledge to make the 2000 Games "the greenest Games ever".

In developing the site, Olympic organizers have integrated a wide range of ecologically sustainable and environmental initiatives. For example, the use of innovative energy-efficient and recycling technologies throughout the Olympic Village has helped create a model of environmentally friendly accommodation and the world's largest solar-powered housing development.

Australia is keen to ensure that the Sydney Summer Olympic Games and Paralympics reflect not only the ideals and values of the international Olympic movement, but also the values and principles enshrined in the United Nations Charter.

In this context, we will be proud to fly the flag of the United Nations at all competition sites of the Olympic and Paralympic Games. We see this as a symbolic gesture which will affirm the role of the United Nations

in building peace and cooperation among nations and will acknowledge the nexus between the United Nations and the international Olympic Movement.

In this context, Australia strongly supports and encourages the growing number of cooperative programmes of the International Olympic Committee (IOC) and the United Nations system that focus on promoting education, peace and human well-being through sport and physical activity. As noted in the draft resolution, the IOC and the United Nations have jointly developed initiatives in a range of fields, including development, health promotion, protection of the environment and poverty eradication.

Australia has a long-term commitment to international sports development programmes through partnership with Governments, sporting agencies and the IOC. These programmes have received special recognition from the IOC and the United Nations Educational, Scientific and Cultural Organization. For example, Australia has been active in assisting more than 30 countries in the South Pacific, southern Africa, South and South-East Asia and the Caribbean with sports development programmes. The focus of these activities is on capacity-building in the areas of physical education, community sports development and improved sports management and coaching systems.

The work of the IOC and the United Nations in the humanitarian field, through the Office of the United Nations High Commissioner for Refugees (UNHCR), is particularly special for me. As a goodwill sporting representative for UNHCR, I had an opportunity last year to participate in a programme to provide relief assistance to refugee camps on the Thailand-Cambodia border. We went into these two camps simply as strange and foreign faces, with the goal of letting the people there know that others around the world care about their plight. We were armed with various items of sporting equipment and educational materials to share with the refugees. It truly was an incredible experience. At the end of our stay we could see that our visit had been a success. The looks on the children's faces were ones I will never forget. A smile from ear to ear, a look of hope in their eyes — it was as satisfying as winning an Olympic medal.

Since my visit in October 1998, the camps have closed and all refugee groups have been voluntarily repatriated to Cambodia. It is great to see the work of the United Nations producing results on the ground, not only in terms of immediate care for displaced persons, but also through more enduring solutions that allow displaced people, whether they be in Thailand or Macedonia, to return safely to their homes.

Australia warmly welcomes all countries to Sydney to compete in the 2000 Summer Olympic and Paralympic Games. It is through this friendly competition that the Olympic ideal finds real and practical expression. The friendships made through sport transcend political, religious, social and economic differences around the world.

Through my participation at the Olympic Games, world championships and numerous other competitions, I have travelled to all corners of the world and experienced many different customs and traditions. In this time I have met and become very good friends with my fellow competitors and with athletes in general. The great thing about being an athlete is that, regardless of your background and where you are from, we all have one thing in common: we all speak the same language, the language of sport. The Olympics and sport in general have helped me look past the barriers and rid my mind of any preconceived ideas I may have had.

Unfortunately, I cannot compete for Australia for ever, even though I would love to. What will last for ever, though, are the friendships with my South African, Japanese, Brazilian, German, American, Canadian, English and Dutch friends, to name but a few.
The successful staging of the Games in Sydney, in an environment of world peace, makes a strong statement to the world that peaceful and harmonious relations between peoples and nations is a stronger force than war, hatred and bitterness.

I recommend this draft resolution to the members of the General Assembly.

Mr. Gounaris (Greece): I would like at the outset to extend our most sincere condolences to the people and the Government of Italy, as well as to the family of the late Amintore Fanfani.

It is a great honour for me to take the floor on the Olympic Truce, an old but still very contemporary concept, under agenda item 22, entitled "Building a peaceful and better world through sport and the Olympic ideal". The draft resolution introduced by Australia, the country hosting the Olympic Games in the year 2000 in Sydney, urges all Member States to observe the Olympic Truce and to revive the ancient Greek tradition of ekecheiria, dating back to the ninth century B.C.

The term *ekecheiria*, from the ancient Greek, literally translates as "holding hands". It indicates a suspension of hostilities or an armistice for a prescribed period of time during the Olympic Games in order to allow the athletes participating in the Olympic Games, as well as their relatives and thousands of ordinary pilgrims, to travel, unobstructed by fear, attend the legendary Games in peace and then return to their home towns in safety and security.

The first such resolution calling for the revival of the Olympic Truce was adopted unanimously in 1993, during the forty-eighth session of the General Assembly, after an appeal launched by the International Olympic Committee (IOC) and endorsed by 184 National Olympic Committees. This resolution is a landmark in the history of the Olympic ideal and; I dare say, in the annals of the General Assembly of the United Nations.

In 1995, the biannual resolution called for consideration of this item in advance of the Summer and Winter Olympic Games. In 1997, a similar resolution called for the observance of the Olympic Truce during the Nagano Winter Games and was sponsored by the vast majority of States Members of the United Nations.

Before the opening of the Nagano Winter Games in February last year, the Greek Minister of Foreign Affairs, Mr. George Papandreou, presented to the International Olympic Committee a proposal. It consisted of a set of organizational structures and a broad range of activities, including the establishment of an international Olympic Truce centre to be completed soon, under the auspices of IOC. The Greek suggestions are essentially aimed at infusing new life and impetus into the ancient tradition of the Olympic Truce. Furthermore, they seek to strengthen the role of the Olympic Movement and to promote peace and international reconciliation. Truce-making needs to be a universal effort. The International Centre for the Olympic Truce will offer a permanent forum for the promotion of truce in areas of conflict. This proposal was welcomed and endorsed fully by the International Olympic Committee.

Greece will have the distinct honour to host the 2004 Summer Olympic Games. Our endeavours will be inspired by the authentic tradition of the Olympic Games and the original values embodied in the Olympic ideal. In our bid, we pledged to help the revival of the Olympic Truce to realize, for two weeks and hopefully longer, the dream of world peace. The Olympic Truce, in our times, would serve to promote dialogue, reconciliation and the search for durable solutions to conflicts around the world.

Greece, together with the International Olympic Committee, has proposed the creation of "a moment" — a global moment. We hope that this Assembly, which has unanimously endorsed this project, will give its full support to the observance of the Olympic Truce during the Games of the year 2000 in Sydney, Australia and all future Olympics. It is to be hoped that this event will become a momentous festival of peace in our global village.

I would like to express our appreciation to the mission of Australia for giving us the honour to be the first co-sponsor of this draft resolution and extend our heartfelt thanks to the overwhelming number of delegations that have co-sponsored this draft resolution. The message of peace and reconciliation originating in this draft resolution will give us, I am sure, hope and vision towards the next millennium.

Mr. Baali (Algeria) (*spoke in French*): At the outset, on behalf of Algeria and the Group of African States, which I am chairing this month, I wish to convey to the Government and people of Italy my deep sympathy and heartfelt condolences over the death of Mr. Amintore Fanfani, an eminent Italian statesman who helped to shape the history of his country and Europe. Through his courageous stances and great humanism, he left his imprint on international relations in the second half of this century.

Every two years since 1993, the General Assembly has taken the felicitous initiative of considering the question of the Olympic ideal, which represents a source of inspiration and hope for humanity. It expresses the true essence of the will, through healthy and fair competition, to weave and strengthen the ties that bind and to replace rivalry and discord with social interaction and concord.

That is why, despite the many ordeals, conflicts and tragedies in which humanity has lacerated and occasionally shattered itself, we have remained deeply attached to this ideal, which is buoyed by the noble principles of understanding, tolerance, dignity and mutual respect.

Respect for these principles has assumed even greater significance in the twilight of this century, when, just as mankind has come to believe that it has mastered the forces of nature and its own destiny, the world has been brutally offered up to the twin demons of violence and hatred; has relived the horror of genocide and ethnic

cleansing; is profoundly threatened by the new threats of international terrorism and organized crime; and must tragically face the unbearable suffering of hundreds of millions of people living at the margins of civilization — if not of humanity itself — in hunger, sickness and destitution and whose unspeakable martyrdom is broadcast instantly and daily by the global media.

In the face of the upheavals that shake it and the challenges that call it, humanity has no choice but patiently to repatch the fabric of solidarity and trust. What better arena in which to do so than that in which all the world's children meet every four years under the Olympic banner?

In this regard, I welcome your presence among us, Sir, and pay heartfelt tribute to the International Olympic Committee (IOC) and its President, Mr. Samaranch, for the remarkable efforts he has made to that end. I wish to convey to him the full appreciation of my country for the initiatives that have been undertaken to conclude mutually advantageous cooperation agreements with the organs, organizations, programmes and institutions of the United Nations system, including the United Nations Environment Programme, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization and the Office of the United Nations High Commissioner for Refugees.

In this respect, my delegation welcomes the initiatives of the IOC on behalf of the refugees of Africa, Asia and Eastern Europe. We were equally delighted by the decision taken several years ago to fly the United Nations flag at all Olympic events.

The Olympic Games have always provided a moment for harmony between peoples and been a symbol of acceptance of diversity and openness to tolerance and fairness. They have provided the unique opportunity for young athletes from different cultures and backgrounds to share their experiences.

It is essential that the Olympic spirit be protected from bad influences and not succumb to temptation. The Olympic flame must indeed preserve its purity and brilliance. In this respect, we are sure that the meeting in Sydney, to be held at the juncture of two millenniums and in which more than 190 countries are to participate, will strengthen the Olympic spirit and give new impetus to the great ideals and fundamental principles of friendship, solidarity, understanding and fair play among the peoples of the world.

As far as we are concerned, Algeria has always attached particular importance to the development of sport and the promotion of peace and friendship among peoples, as it has on all occasions defended the Olympic ideal in regional and international competitions, endorsing the ideals of peace and security advocated by Baron Pierre de Coubertin, the founder of the International Olympic Committee, so that the modern Olympics would become a symbol of unity among the nations. It is in that spirit that my delegation has from the very outset supported this initiative and that it is again co-sponsoring draft resolution A/54/L.26.

Algeria was particularly pleased to do this, as the initiative was essentially an African one from the outset. It was the Organization of African Unity (OAU), of which Algeria is currently Chairman, which in 1993, at the request of the African Sport Movement, introduced two draft resolutions, one dealing with the building of a peaceful and better world through sport and the Olympic ideal, and the other with the proclamation of 1994 as the International Year for Sports and the Olympic Ideal, to mark the centenary of the foundation of the International Olympic Committee. Two years later the Assembly of Heads of State and Government of the OAU itself lent all its political moral weight to the appeal for the Olympic Truce.

Africa's interest in the Olympic Movement and its devotion to the values it carries date back to the beginning of this century, when, despite the constraints and restrictions, African athletes, under the flags of the colonial Powers of that time, wrote in gold letters on the Olympic Pantheon the name of a continent which had irreversibly awoken to history. Did not Baron de Coubertin — aware as he was of the immense potential contribution of Africa to the Olympic Movement and the necessity to open up sport as a universal language and a permanent school of life to the colonized people of Africa — advocated unsuccessfully the organization in 1928 of African games at Algiers, which were not held until half a century later in 1978, bringing together the countries of the continent which were finally free. History nevertheless saw that justice was done to the African people, and after their independence, despite the often pathetic sums available to them, they gave the Olympic Movement the universality that it lacked and the breath and the momentum it needed.

Furthermore, Africa, whose sporting exploits are unanimously claimed and celebrated, is proud today of

the presence of illustrious Africans at the head of the three greatest international federations.

May the Olympic spirit prevail and may future Olympic Games provide an opportunity for the human family to rise above its differences and rifts and provide a time of truce — why not permanently — when it can come to terms with itself once and for all.

The meeting rose at 1.05 p.m.